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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Katsuji Maehara et al

JAN 21 2003

Serial No.: 09/869,297

TECH CENTER 1600/2900

Group Art Unit: 1651

Filed: November 2, 2001

Examiner: Irene Marx

For: A METHOD FOR PURIFYING AND ISOLATING (2S,3S)-OR (2R, 3S)-
HALOHYDRIN DERIVATIVES

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

January 17, 2003

Sir:

This is in response to the Office Action of December 17, 2002, requiring an election among various species of the subject invention under the provisions of 35 USC § 121.

In the Office Action, it was indicated that the application contained claims directed to: Species I, a process purification/isolation wherein diastereo-selective reduction is a chemical process; and Species II, a process purification/isolation wherein diastereo-selective reduction is a chemical process. It was therefore required that applicant identify the species for prosecution on the merits to which the claims shall be restricted.

Applicant hereby elects **Species II, claims 25-46**, for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected species.

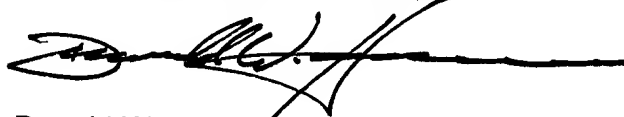
Applicant traverses this requirement as follows: The present invention is drawn not to a diastereo-selective reduction, but to a process of purification/isolation thereafter. An important technical feature of the invention is the crystallization of the objective compound (2) in the presence of an aliphatic hydrocarbon solvent. Any mixture for the crystallization can be prepared regardless of the diastereo-selective reduction species. Therefore, both of Groups I and II have the same technical feature as mentioned above.

Favorable consideration the subject application is respectfully requested.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

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